IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JODHPUR

JUDGMENT

Dinesh Chandra Swarankar **VS**. The Rajasthan Agricultural University, Bikaner.

D.B. CIVIL SPECIAL APPEAL NO.641/1998
against the judgment dated 11.5.1998 passed
in S.B. Civil Writ Petition No.1422/1998

Date of judgment : 1st May, 2005

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE R.P. VYAS

Mr. Mukesh Rajpurohit for the appellant.
Mr. Bhuvanesh Sharma for Mr. M.S. Singhvi for respondents.

BY THE COURT:- (Per Hon'ble Mr. Rajesh Balia, J.)

This appeal is directed against the judgment of learned Single Judge dated 11th May, 1998 dismissing the writ petition filed by the appellant.

The issue is short. The appellant-petitioner was initially working as Library Assistant in Mohanlal Sukhadia

University. After establishing a separate university for agriculture in 1987, the services of the petitioner were transferred from Mohanlal Sukhadia University, Udaipur to the newly established Rajasthan Agriculture University, Bikaner. In the Mohanlal Sukhadia University, the posts of Library Assistant were upgraded to the Junior Technical Assistant and the appellant-petitioner has claimed parity of the status and sought mandamus that as per the resolution dated 21.1.1988 the post of petitioner-appellant at Agricultural University, Bikaner may also be upgraded to the post of Junior Technical Assistant and other benefits may also be extended to him at par with M.L. Sukhadiya University, Udaipur.

The learned Single Judge concluded that the Mohanlal Sukhadia University and Rajasthan Agricultural University being two independent and separate bodies, the terms and conditions prevailant in the Mohanlal Sukhadia Univeristy cannot be extended ipso facto to the employees of the Rajasthan Agricultural University. Therefore, the resolution adopted by Mohanlal Sukhadia University, Udaipur for upgrading posts of Library Assistant could not automatically result in up-gradation of the posts in the Rajasthan Agricultural University, Bikaner. It is relevant to notice that the resolution for adopting

the existing terms and condition of the employment under the Mohanlal Sukhadia University was passed in July, 1987 much before 21st January, 1988. The said resolution of 1987 did not contain any terms and condition to adopt the terms and condition applicable to Mohan Lal Sukhadia University as may be amended from time to time. Therefore, as on 21.1.1988, the Agriculture University cannot be compelled to adopt the terms and conditions other than prevalent in Mohanlal Sukhadia University at the time of adopting resolution of 1987.

In view of the above, the learned Single Judge did not find any possibility to extend any relief to the petitioner merely because after adoption of resolution in 1987, there has been amendment in the service condition of the employees of Mohanlal Sukhadia University.

We are of the opinion that no exception can be taken to the aforesaid principle adopted and applied by learned Single Judge. There being no integrability between the two institutions so as to consider the employees whose services stood transferred to the Rajasthan Agricultural University, to be continued employees of Mohal Lal Sukhadia University.

Accordingly, the appeal fails and is hereby dismissed. No order as to costs.

[R.P. VYAS], J. [RAJESH BALIA], J.

babulal/